

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

DOMINIQUE ALEXANDER PIATTI, an
individual; DOTFREE GROUP S.R.O., a
Czech limited liability company, and
ANDREY N. SABELNIKOV, an individual,
CONTROLLING A COMPUTER BOTNET
THEREBY INJURING MICROSOFT AND
ITS CUSTOMERS

Defendants.

2012 AUG 17 P 1:15

CLERK OF U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No: 1:11cv1017 (JCC/IDD)

DECLARATION OF KONSTANTIN KASIAN RE SERVICE OF PROCESS

I, Konstantin Kasian, declare as follows:

1. I am an associate with the law firm of Orrick (CIS), LLC ("Orrick"), counsel for Plaintiff Microsoft Corp. ("Microsoft"). I make this declaration to establish service of process and notice upon Defendant Andrey N. Sabelnikov. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. On January 27, 2012, I deposited English and Russian translated copies of the First Amended Complaint and summons to Mr. Sabelnikov with the post office in Moscow, Russian Federation, to be sent to Mr. Sabelnikov's address at 5 Voskov Street, Apartment 15, St. Petersburg 197198, Russian Federation. Attached as Exhibit 1 is a true and correct copy of the notification card, list of documents to be sent and post office receipt.

3. On February 9, 2012, I communicated with Mr. Sabelnikov and his counsel, Mr. Igor Gushev of the law firm Duvernoix Legal in St. Petersburg. At that time I arranged that a

meeting would occur with Mr. Sabelnikov and his counsel on February 21, 2012 at 10:00 a.m. at the offices of Duvernoix Legal in St. Petersburg. On February 10, 2012, Mr. Gushev sent me an email confirming the scheduling of the meeting.

4. On February 21, 2012, at 9:54 a.m. (St. Petersburg local time) I arrived at the office of Mr. Sabelnikov's counsel, the law firm Duvernoix Legal, 140 Nevskiy Prospekt, 5th Floor, St. Petersburg, Russian Federation. I had in my possession English and Russian translated copies of the First Amended Complaint and summons to Mr. Sabelnikov. I was met by Igor Gushev, Mr. Sabelnikov's counsel, at approximately 10:05 a.m. (St. Petersburg local time). Shortly after that point, I was brought to a conference room at the law firm and was introduced to Mr. Sabelnikov who attended the meeting. Mr. Sabelnikov is a male, who appeared to be in his early 30s, with brown hair and brown eyes and approximately 5 feet, 10 inches tall. At that time, shortly after 10:05 a.m., upon being introduced to Mr. Sabelnikov at the meeting, I personally hand delivered to Mr. Sabelnikov the English and Russian translated copies of the First Amended Complaint and summons. During the meeting I discussed with Mr. Sabelnikov and his counsel the substance of this case and engaged in a negotiation with them. Attached as Exhibit 2 is a true and correct copy of the Proof of Service form attached to the summons that I have executed reflecting these facts.

5. I am a lawyer licensed to practice law in the Russian Federation. Under the law of the Russian Federation, personal hand-delivery of a complaint and summons to a defendant in a lawsuit constitutes a valid means of service of process. In particular, under Articles 113 and 115 of the Code of Civil Procedure of the Russian Federation, which describes service of process methods in actions in courts of general jurisdiction, personal hand-delivery of a complaint and summons to a defendant constitutes valid service of process.

6. After the February 21, 2012 meeting, I had multiple conversations with Mr. Sabelnikov's counsel regarding the substance of this case and I continued negotiations with him.

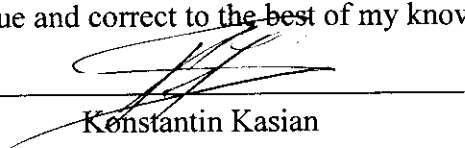
7. On April 5, 2012 at noon, I again met with Mr. Sabelnikov and his counsel at the offices of Duvernoix Legal in St. Petersburg. During the meeting we continued to discuss the

substance of the case and engaged in negotiation.

8. After the April 5, 2012 meeting, I have had multiple conversations with Mr. Sabelnikov's counsel, regarding the substance of the case and I have continued negotiations with him.

9. On August 3, 2012, I mailed to Mr. Sabelnikov and his counsel Microsoft's position that if the parties are unable to resolve this dispute within 14 days, that Microsoft intends to proceed with requesting default and seeking default judgment.

I declare under penalty of perjury under the laws of the United States of America and of the Russian Federation that the foregoing is true and correct to the best of my knowledge.



Konstantin Kasian

Executed this 6th day of August, 2012

EXHIBIT 1

Ф.107

ОПИСЬ

Вложения в ценное письмо

Куда: **Российская Федерация, 197198, Санкт-Петербург, ул. Воскова, д. 5, кв. 15**
(место назначения)

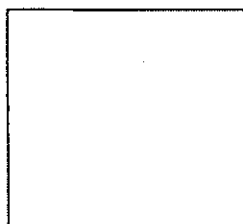
На имя: **Сабельников Андрей Николаевич**
(наименование получателя)

№ п-п	Наименование предметов	Количество предметов	Ценность (руб.)
1	Повестка в Федеральный окружной суд США по Восточному округу штата Виргиния по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (на английском языке)	1	5
2	Повестка в Федеральный окружной суд США по Восточному округу штата Виргиния по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (перевод на русский язык)	1	5
3	Первое уточнение к исковому заявлению корпорации Майкрософт по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (на английском языке)	1	5
4	Первое уточнение к исковому заявлению корпорации Майкрософт по гражданскому делу №1:11cv1017 (JCC/IDD) от 23.01.12г. (перевод на русский язык)	1	5
Итого		4	20

Общий итог ценности: 20 (двадцать) рублей

Отправитель: _____/Касьян К.К.

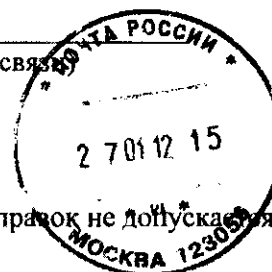
Подпись



(календарный
штемпель места
приема)

Проверил _____

(подпись работника связи)



Никаких помарок и поправок не допускается.

УВЕДОМЛЕНИЕ о вручении:

Простое ☐
Заказное ☐

ф. 119

Обведенное жирной чертой заполняется отправителем

☐ Письма ☐ Бандероли ☐ Посылки ☐ Отправления 1 класса
☐ Заказного(ой) ☐ С объявленной ценностью ☐ Обыкновенной

Уведомление подлежит возврату по адресу:

Кому Касьяну К.К.Офис (СНГ) ЛАСАдрес Россия, г. Москва
ул. Ташека, 7, офис 600

Индекс места назначения

123056

(оттиск КПП ОПС места
приема почтового отправления)

Для дополнительных отметок отправителя



почтовое отправление №:

Обведенное жирной чертой заполняется отправителем

☐ Письмо ☐ Бандероль ☐ Посылка ☐ Отправление 1 класса
☐ Заказное (ая) ☐ С объявленной ценностью ☐ Обыкновенная

адрес Сабельникову Андрею Николаевичу
Российская Федерация, г. Санкт-Петербург
ул. Воскова, д. 5, кв. 15 197198Вручено " " 20 г. лично ☐по доверенности ☐ (кому)

Получил

(подпись)

(Ф.И.О.)

Руководитель ОПС:

(подпись)

(оттиск КПП ОПС места
вручения уведомления)(оттиск КПП ОПС места
оформления уведомления)

[illegible]

EXHIBIT 2

AO 440 (Rev. 04/08) Civil Summons (Page 2)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Andrey N. Sabelnikov
by:

- (1) personally delivering a copy of each to the individual at this place, 140 Nevskiy Prospekt
5th Floor, St. Petersburg, Russian Federation on February 21, 2012; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or
- (4) returning the summons unexecuted to the court clerk on _____; or
- (5) other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date:

August 6, 2012

Server's signature

Konstantin Kasian - counsel for Microsoft

Printed name and title

Orrick(CIS) LLC
7 Gasheka Street
Moscow, Russian Federation
123056
Server's address